

**JOINT RULES AND OPEN GOVERNMENT COMMITTEE
AND SUNSHINE REFORM TASK FORCE MEETING**

Meeting Report
June 27, 2007

PRESENT: Mayor Reed, Councilmembers Chirco (excused herself at 3:54 p.m.), Constant and Cortese

ABSENT: None

STAFF: City Manager Les White, Chief Deputy City Manager Kay Winer, Redevelopment Agency Director Harry Mavrogenes, Redevelopment Agency Assistant Director Gary Miskimon, City Attorney Rick Doyle, City Clerk Lee Price, Agenda Manager Nadine Nader, and Council Agenda Manager Alicia Bosco.

SUNSHINE REFORM TASK FORCE

PRESENT: Ed Rast, Karl Hoffower, Bob Brownstein, Brenda Otey, Virginia Holtz

STAFF: Director of Communications Tom Manheim, Deputy City Manager Dan McFadden, Senior Deputy City Attorney Lisa Herrick, Senior Executive Analyst Shiela Tucker and Senior Community Relations Officer Eva Terrazas

1. Call to Order

Mayor Reed called the meeting to order at 8:35 a.m.

2. Overview of the Day/Review Expected Outcomes

Discussion: Mayor Chuck Reed gave an overview of the agenda and Sunshine Reform Task Force Chair Ed Rast summarized the Task Force Recommendations. Senior Executive Analyst Sheila Tucker presented expected outcomes of the meeting. Mayor Reed mentioned that the Phase 1 recommendations were expected to be placed on the August 8, 2007 agenda for approval and emphasized that the recommendations would apply only to the City Council and the Redevelopment Agency since there has not been adequate outreach done to other boards and commissions. The Mayor recommended that public meetings be held in September.

3. Discussion and Recommendations on Section 4 – Public Information (resume discussion from 6/6/07 Rules and Open Government Committee meeting)

Documents Filed: (1) June 27, 2007 Presentation; (2) Sunshine Reform Task Force Phase 1 Report and Recommendations; (3) Memorandum from Dan McFadden, Deputy City Manager dated May 23, 2007, staff's preliminary comments on sunshine reform task force's phase 1 report and recommendations; (4) Memorandum from Mayor Reed dated June 5, 2007, Sunshine Reform Task Force Report Recommendations; (5) Rule's Committee Comments, SRTF and Staff Response's; (6) Memorandum from Richard Doyle, City Attorney dated June 22, 2007, City Attorney's response to memorandum from Mayor Reed dated June 5, 2007; (7) Memorandum from Mayor Reed and Councilmember Constant dated June 21, 2007 regarding Closed Session discussion, Amicus Curiae Briefs; (8) Memorandum from Richard Doyle, City Attorney dated June 21, 2007 regarding list of bodies subject to the Sunshine Reform Task Force Phase 1 Report and Recommendations; and (9) Memorandum from Board of Administration for the Police and Fire Department Retirement Plan and Board of Administration for the Federated City Employees Retirement System dated June 22, 2007 regarding Sunshine Reform Task Force Recommendations.

Discussion: Director of Communications Tom Manheim gave a brief presentation of the Public Outreach section of the recommendations. City Clerk Lee Price expressed concerns about maintaining paper records of all policy bodies in the Office of the City Clerk due to insufficient storage space. Chief Information Technology Randy Murphy provided an update on technology issues. Discussion continued on posting of calendars and the Committee and Task Force agreed that the Mayor, Councilmembers, Council Appointees, Department Heads, and City Council Chiefs of Staff (or equivalent) will need to publish their calendars on a weekly basis. The Committee and Task Force also agreed that appointments or meetings regarding personnel issues, private medical issues, criminal investigations, matters covered under the attorney-client privilege, and anything else that would be requested to be held confidential under State law would be exempt from being published. Discussion followed regarding statements filed by lobbyists on behalf of the City. Mayor Reed suggested providing a link to information already filed by the lobbyists at the State and Federal level. Discussion was also held on public outreach and it was acknowledged that improvements are needed in noticing public hearings. The Committee and Task Force agreed that a pilot program be implemented to determine how well the recommendations are working.

Public Comment: Senior Deputy City Attorney Susan Devencenzi supported the Committee and Task Force recommendation of starting implementation with the Council and Redevelopment Agency. She voiced her concerns about applying the requirements to boards and commissions without opportunity to review and evaluate potential impacts.

Action: The Committee approved the Task Force Recommendations on Section 4 – Public Information as amended.

4. Discussion and Recommendations on Section 3 – Closed Session

Discussion: Senior Deputy City Attorney Lisa Herrick summarized the Task Force recommendations on Closed Sessions. City Attorney Rick Doyle expressed concerns about the certification process and, in particular, the role of the City Attorney in that process. He argued that the City Council should decide when to waive a privilege. Deputy City Manager Dan McFadden voiced strong objections to audio taping closed sessions. Councilmember Chirco concurred. RDA Director Harry Mavrogenes and City Manager Les White expressed concern about losing candor in Closed Session, and about what may be released, especially as it relates to labor negotiations. Councilmember Liccardo suggested that a process for releasing the tapes be approved before recording begins. Mayor Reed concurred with the City Attorney that the final decision about what to release should be the City Council's.

Public Comment: Susan Devencenzi reported that both the Civil Service Commission and the Retirement Board hear confidential personnel information in Closed Session. She emphasized that these matters should be certified in order for them to not be released.

Action: The Committee agreed to move Section 3 on to the Council agenda in August for consideration.

5. Discussion and Recommendations on Bodies Subject to Sunshine Ordinance – Policy Body, Ancillary Body, Non-Governmental Body (Section 2 – Public Meetings)

Discussion: Senior Executive Analyst Sheila Tucker reported that clarification is needed around bodies that will be subject to the sunshine ordinance as well as an understanding of how they are being defined. She explained that the public meeting section of the Phase 1 Recommendations is centered around three types of bodies: policy bodies, ancillary bodies, and non-governmental bodies. Discussion ensued on timelines for memo distribution, content, signatures, posting and Brown Act protocol. Consensus was not reached on this item.

Action: The Committee agreed to continue discussion of this section at the next Rules and Open Government Committee meeting in August.

Chuck Reed, Mayor
Rules and Open Government Committee